

EDOK - Application for Search Warrant (Revised 5/13)

United States District Court

EASTERN DISTRICT OF OKLAHOMA

In the Matter of the Search of 909 S. 3rd Street,
Davis, Oklahoma

FILED UNDER SEAL

Case No. 21-MJ-375-SPS

APPLICATION FOR SEARCH WARRANT

I, Jan Kum, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (identify the person or describe property to be searched and give its location):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18 , United States Code, Section(s) 922(g)(3) and 841(a)(1), and the application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Special Agent Jan Kum

Sworn to before me and signed in my presence.

Date: September 22, 2021

City and state: Muskogee, Oklahoma

Judge's signature

STEVEN P. SHREDER

UNITED STATES MAGISTRATE JUDGE

Printed name and title



AFFIDAVIT

I, Jan Kum, a Special Agent of the Federal Bureau of Investigation (FBI),
Oklahoma City Division, being duly sworn, state:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (SA) with the FBI since 2010 and have been temporarily assigned to the Oklahoma City Division of the FBI. Since my time in the FBI, I have conducted and participated in a wide variety of investigations, including cases involving drugs and firearms. I know from these investigations and training that individuals in possession of firearms often keep them in their residences, vehicles, or other areas under their control for immediate or future access and use.
2. This Affidavit is submitted in support of a search warrant for 909 S. 3rd Street, Davis, Oklahoma 73030, to locate a **Ruger LCP .380 pistol bearing serial number 371612073** that was in **Justin Lee Lambeth's (Lambeth)** possession and seized by the Garvin County Sheriff's Office on September 16, 2020. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

FACTS AND CIRCUMSTANCES

3. I am aware of the information set forth below through conversations with other law enforcement officers, review of reports and affidavits prepared by other law enforcement

officers, and review of documents from related state court proceedings. This case was originally investigated in Garvin County Sheriff's Office, Oklahoma.

4. On September 16, 2020, Deputy Jeremy Lansdale and Lt. Doug Walling executed a search warrant at **Lambeth**'s residence located at 16060 N County Road 3252, Pauls Valley, Oklahoma. Deputy Lansdale and Lt. Walling arrived and made contact with **Lambeth**. They informed **Lambeth** they had a search warrant to obtain items from his residence. They gave **Lambeth** a copy of the warrant.

5. Deputy Lansdale and Lt. Walling entered the residence and observed three clear bags containing a large number of pills laying on a side table. Deputy Lansdale went into **Lambeth**'s bedroom and observed a **Ruger LCP .380 pistol** laying on top of a pair of jeans that **Lambeth** later put on. **Lambeth** still had an active protective order against him that prevented him from possessing a firearm. **Lambeth** had already been released on September 14, 2020, for a separate protective order violation involving a firearm.

6. **Lambeth** told Deputy Lansdale that the pistol belonged to his mother. **Lambeth** was the only person inside of the residence. **Lambeth** was then placed under arrest for being in violation of a protective order. **Lambeth** was then transported to the Garvin County Jail, where prior to entering the jail, Deputy Lansdale searched him and found a clear bag containing approximately 3.97 grams of a crystal-like substance that yielded a presumptive positive for methamphetamine when field tested.

7. After another search warrant was approved, Deputy Lansdale went back to **Lambeth**'s residence and seized the three bags of pills, a **Ruger LCP .380 pistol bearing serial number 371612073** and a plastic smoking apparatus. The inventory of the pills came

to be 48 blue round pills marked A-51 (Oxycodone Hydrochloride 30mg), 97 pink pills marked ABG 30 (Morphine Sulfate 30mg), and 46 yellow pills marked OP-40 (Oxycodone Hydrochloride 40mg).

8. Deputy Lansdale also received a search warrant for **Lambeth**'s cell phone through the Garvin County District Court. Deputy Lansdale observed numerous conversations between **Lambeth** and others involving the distribution of prescription pills.

9. I received a Tribal Citizenship Verification for **Lambeth**, which confirmed that he possesses Indian blood and is an enrolled tribal member of the Chickasaw Nation, a federally recognized tribe. Consequently, he is an American Indian within the meaning of federal law. The above crimes were committed in Garvin County and McClain, Oklahoma, within the Western District of Oklahoma, within the exterior boundaries of the Chickasaw Nation Reservation, which qualifies as Indian country under Title 18, United States Code, Section 1151.

10. Based on the foregoing facts, I believe that probable cause exists that on or about September 16, 2020, in Garvin County, Oklahoma, in Indian country, within the Western District of Oklahoma, **Justin Lee Lambeth**, an Indian, committed Unlawful User of a Controlled Substance in Possession of a Firearm in violation of Title 18, United States Code, Sections 922(g)(3) and Possession of a Controlled Substance with the Intent to Distribute, in violation of Title 21, United States Code, Sections 841(a)(1).


11. On May 10, 2021, **Lambeth**'s mother, Norma Gee (Gee) filed an Application for the return of the **Ruger LCP .380 pistol bearing serial number 371612073** in Garvin County District Court case number CP-2021-5, listing her address as 909 S. 3rd Street, Davis,

Oklahoma, 73030. On June 8, 2021, the **Ruger LCP .380 pistol bearing serial number 371612073** was released to Gee by order of Garvin County District Court Judge Leah Edwards.

12. On September 14, 2021, Lambeth's ex-wife Ashley Horn confirmed that 909 S. 3rd Street, Davis, Oklahoma, in the Eastern District of Oklahoma, is still Gee's address.

13. This requested search warrant is for the search of Gee's residence for the **Ruger LCP .380 pistol bearing serial number 371612073**.

Respectfully submitted,



Jan Krum
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this the 22nd day of September, 2021.



United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

A premise located at **909 S. 3rd Street, Davis, Oklahoma, in the Eastern District of Oklahoma.** The premise described is a gray brick house with the numbers "909" diagonally on one side of the black front door and a white mailbox on the other side of the front door. There is an ADT sign in front of the front door landing. Adjacent to the house is a detached shed that may be utilized as LAMBETH's office as well as a detached small structure that may be utilized as a children's playhouse.

ATTACHMENT B

Particular Things to be Seized

A firearm, specifically, a **Ruger LCP .380 pistol bearing serial number 371612073**